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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

TRANSMITTAL LETTER (Large Entity)

Application Number: **09/525,926**

Group Art Unit: **2153**

Filed: **March 15, 2000**

Examiner Name: **Dinh**

Applicant: **Smith et al.**

Attorney Docket Number: **62-184**

TITLE: **MOBILE ORIGINATED INTERNET RELAY CHAT**

Total Number of Pages in this Submission: **27**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SIR:

Transmitted herewith is:
An Updated Brief in the above-identified application (27 pages)

The fee has been calculated and is transmitted as shown below.

CLAIMS AS AMENDED					
	CLAIMS REMAINING AFTER Amendment	HIGHEST # PREV. PAID FOR	# OF EXTRA CLAIMS	RATE	ADDITIONAL FEE
Total Claims	36	50	0	x $50	$ 0.00
Independent Claims	6	8	0	x $200	$ 0.00
Multiple Dependent Claim(s), if applicable				x $360	
		TOTAL ADDITIONAL FEE:			$ 0.00

The Commissioner is hereby authorized to charge any additional fees required under 37 C.F.R. 1.16 or any patent application processing fees under 37 C.F.R. 1.17 associated with this communication, or credit any over payment to **Deposit Account No. 50-0687 under Order No. 62-184.**

Respectfully submitted,

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Date: January 4, 2007

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Group Art Unit: **2152**
Examiner: **Dinh, Dung**
Attorney Docket No.: **62-184**

In re Patent Application of:
SMITH et al.
Title: **MOBILE ORIGINATED INTERNET RELAY CHAT**

January 4, 2007

(UPDATED) APPEAL BRIEF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The Applicants submit herewith the following Appeal Brief in triplicate as required by 37 C.F.R. § 41.37.

(1) REAL PARTY IN INTEREST

The real party in interest is TeleCommunication Systems, Inc.

(2) RELATED APPEALS AND INTERFERENCES

The Applicants and their legal representatives and assignee are not aware of any other appeals or interferences that will directly affect or be directly affected by or have a bearing on the Board's decision in the appending appeal.

(3) STATUS OF THE CLAIMS

Claims 1-8, 11, 12, 20-27, 30,31, 39-46 and 49-56 are pending in this application. Claims 1-8, 11, 12, 20-27, 30,31, 39-46 and 49-56 stand rejected.

(4) STATUS OF AMENDMENTS

An After-Final Amendment filed on August 17, 2005 was indicated by the Examiner as being entered.

(5) SUMMARY OF THE INVENTION

Conventional wireless mobile devices rely on a conventional Internet Relay Chat (IRC) program to facilitate communications with a standard IRC server. However, many low cost wireless mobile devices are incapable of executing a conventional IRC program to participate in a chat session because of processing power limitations, operating system limitations, screen limitations, etc.

Applicants' invention addresses such shortcomings within conventional wireless mobile devices to allow them to participate in an IRC session. A mobile chat proxy server translates commands from a non-IRC program to allow a wireless mobile device to participate with an IRC session. Moreover, the mobile chat proxy server provides a wireless mobile device with the capability to ghost a chat session through use of a non-IRC program.

A method, as recited by claim 1, of providing access to a channel of an Internet Relay Chat group to a wireless mobile device is disclosed as comprising placement of a mobile chat proxy server in a communication path between a standard Internet Relay Chat server and a wireless Internet gateway server at, e.g., page 7, lines 16-18. A first message is received from a non-Internet Relay Chat program adapted to be executed by the wireless mobile device at the mobile chat proxy server at, e.g., page 8, lines 22-30 and page 18, lines 16-19. The first message is converted to a second message compatible with the standard Internet Chat Relay server with the mobile chat proxy server at,

e.g., page 9, lines 7-18. The second message is forwarded to the standard IRC server from the mobile chat proxy server at, e.g., page 9, lines 7-18.

A method, as recited by claim 12, of providing access to a channel of an Internet Relay Chat group to a wireless mobile device is disclosed as comprising placement of a mobile chat proxy server in a communication path between a standard Internet Relay Chat server and a wireless Internet gateway server supporting the wireless mobile device at, e.g., page 7, lines 16-18. Ghosting of the channel of the Internet Relay Chat group is performed through a non-Internet Relay Chat program adapted to be executed by the wireless mobile device at, e.g., page 28, line 22-page 29, line 5.

An apparatus, as recited by claim 20, for providing access to a channel of an Internet Relay Chat group to a wireless mobile device is disclosed as comprising a mobile chat proxy server in a communication path between a standard Internet Relay Chat server and a wireless Internet gateway server at, e.g., page 7, lines 16-18. The mobile chat proxy server is disclosed as receiving chat commands from the wireless mobile device adapted to execute a non-Internet Relay Chat program and forwarding the chat commands in a form compatible with the standard Internet Relay Chat server to the standard Internet Relay Chat server at, e.g., page 8, lines 22-30 and page 18, lines 16-19.

An apparatus, as recited by claim 31, for providing access to a channel of an Internet Relay Chat group to a wireless mobile device is disclosed as comprising a mobile chat proxy server in a communication path between a standard Internet Relay Chat server and a wireless Internet gateway server supporting the wireless mobile device at, e.g., page 7, lines 16-18. A means for ghosting the channel of the Internet Relay Chat group through a non-Internet Relay Chat program adapted to be executed by the wireless mobile device is disclosed at, e.g., page 28, line 22-page 29, line 5.

An apparatus, as recited by claim 39, for providing access to a channel of an Internet Relay Chat group to a wireless mobile device is disclosed as comprising a means for placing a mobile chat proxy server in a direct communication path between a standard Internet Relay Chat server and a

wireless Internet gateway server at, e.g., page 7, lines 16-18. A means is disclosed for sending a first message from a non-Internet Relay Chat program adapted to be executed by the wireless mobile device the mobile chat proxy server at, e.g., page 8, lines 22-30 and page 18, lines 16-19. A means for converting the first message to a second message compatible with the standard Internet Chat Relay server with the mobile chat proxy server is disclosed at, e.g., page 9, lines 7-18. A means for forwarding said second message to the standard IRC server is disclosed at, e.g., page 9, lines 7-18.

An apparatus, as recited by claim 50, of providing access to a channel of an Internet Relay Chat group to a wireless mobile device is disclosed as comprising a means for placing a mobile chat proxy server in a direct communication path between a standard Internet Relay Chat server and a wireless Internet gateway server at, e.g., page 7, lines 16-18. A means is disclosed for facilitating chat communications between the wireless mobile device and the standard Internet Relay Chat server through the mobile chat proxy server at, e.g., page 8, lines 22-30 and page 18, lines 16-19. A means for ghosting the channel of the Internet Relay Chat group through a non-Internet Relay Chat program adapted to be executed by the wireless mobile device is disclosed at, e.g., page 28, line 22-page 29, line 5.

(6) GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

(A) Whether claims 1-5, 11, 12, 20-27, 31, 39-45, 49 and 50 are obvious over Burgan et al., U.S. Patent No. 6,459,892 ("Burgan") in view of U.S. Patent No. 6,446,112 to Bunney et al. ("Bunney"), and further in view of *WebTV to IRC Proxy debuts on SorceryNet*, USENET posting in atl.online-service.webtv 10/18/1999 ("WebTV").

(B) Whether claims 6, 7 and 9 are obvious under 35 U.S.C. §103(a) over Burgan in view of Bunney and WebTV, and further in view of U.S. Patent No. 6,314,108 to Ramasubramani et al. ("Ramasubramani").

(C) Whether claims 8, 46 and 51-56 are obvious under 35 U.S.C. §103(a) Burgan in view of Bunney and WebTV, and further in view of U.S. Patent No. 6,564,261 to Gudjonsson et al. ("Gudjonsson").

(7) ARGUMENT

(A) Claims 1-5, 11, 12, 20-27, 31, 39-45, 49 and 50 are not obvious under 35 U.S.C. § 103(a) over Burgan in view of Bunney and WebTV.

All rejected claims 1-5, 11, 12, 20-27, 31, 39-45, 49 and 50 require a system and method relying on a **wireless** mobile device that sends a message to a standard IRC server.

Only one of the three cited references, Burgan, used to reject claims 1-5, 11, 12, 20-31, 39-45, 47, 49 and 50 has any applicability to unique problems associated with wireless mobile devices. An evaluation of obviousness must be undertaken from the perspective of one of ordinary skill in the art addressing the same problems addressed by the applicant in arriving at the claimed invention. Bausch & Lomb, Inc. v. Barnes-Hind/Hydrocurve, 23 USPQ 416, 420 (Fed. Cir. 1986), cert. denied, 484 US 823 (1987). Thus, the claimed structures and methods cannot be divorced from the problems addressed by the inventor and the benefits resulting from the claimed invention. In re Newell, 13 USPQ2d 1248, 1250 (Fed. Cir. 1989). Nothing within Bunney nor WebTV suggests applicability of any teachings to problems associated with wireless mobile devices, much less wireless mobile devices that participate with IRC.

All rejected claims 1-5, 11, 12, 20-27, 31, 39-45, 49 and 50 require a system and method relying on a wireless Internet gateway server.

As discussed above, only one of the three cited references, Burgan, used to reject claims 1-5, 11, 12, 20-27, 31, 39-45, 49 and 50 has any applicability to unique problems associated with wireless mobile devices. However, none of Burgan's mobile wireless devices have any access to the Internet (See Fig. 1), much less rely on a wireless Internet gateway server, as recited by claims 1-5, 11, 12, 20-27, 31, 39-45, 49 and 50.

All rejected claims 1-5, 11, 20-27, 39-45 and 49 require a system and method of sending a first message from a **non-Internet Relay Chat program** adapted to be executed by a **wireless mobile device** to a **mobile** chat proxy server and forwarding a second message compatible with an standard **Internet** Relay Chat server to the standard Internet Relay Chat server.

The Examiner acknowledges that Burgan fails to disclose a chat proxy server connected to a standard Internet Relay Chat server (See Office Action dated June 20, 2005, page 5). The reason Burgan fails to disclose a chat proxy server connected to a standard Internet Relay Chat server is that Burgan fails to disclose **either** a chat proxy server **or** a standard Internet Relay Chat server. Since Burgan fails to **require** either a chat proxy server **or** a standard Internet Relay Chat server for the numerous devices throughout the system to chat with one another, any modification of Burgan is based on **improper hindsight**. Moreover, for Burgan to connect to a standard Internet Relay Chat server, Burgan would further have to be modified to be connected to the Internet. Thus, even if the cited prior art disclosed the claim elements individually (which as discussed herein, the cited prior art fails to do), "It is impermissible to use the claimed invention as an instruction manual or 'template' to piece together the teachings of the prior art so that the claimed invention is rendered obvious." In re Fritch, 23 USPQ2d 1780, 1784 (Fed. Cir. 1992).

Thus, nothing within the cited prior art provides a **suggestion** or **incentive** to modify Burgan to connect to the **Internet**, to connect to a chat proxy server **or** to connect to a standard Internet Relay Chat server, much less **all of** a connection to the **Internet**, a chat proxy server **and** a standard **Internet** Relay Chat server. "Teachings of references can be combined only if there is some **suggestion** or **incentive** to do so." In re Fine, 5 USPQ2d 1596,1600 (Fed. Cir. 1988) (quoting ACS Hosp. Sys. v. Montefiore Hosp., 221 USPQ 929, 933 (Fed. Cir. 1984)) (emphasis in original).

The Examiner acknowledges that Burgan fails to disclose a chat proxy server connected to a standard **Internet** Relay Chat server (See Office Action dated June 20, 2005, page 5). The Examiner relies on Bunney and

WebTV to allegedly make up for the deficiencies in Burgan to arrive at the claimed features. The Applicants respectfully disagree.

The Examiner alleges Bunney discloses a mobile device to originate a chat session with a standard IRC server (See Office Action dated June 20, 2005, page 5). However, as discussed above nothing within Bunney discloses or suggests any applicability to unique problems associated with **wireless mobile devices**, much less a system and method of sending a first message from a **non-Internet Relay Chat program** adapted to be executed by a **wireless mobile device** to a **mobile** chat proxy server and forwarding a second message compatible with an standard **Internet** Relay Chat server to the standard Internet Relay Chat server, as recited by claims 1-5, 11, 20-27, 39-45 and 49.

The Examiner acknowledges that Burgan fails to disclose a chat proxy server connected to a standard IRC server (See Office Action dated June 20, 2005, page 5). However, the Examiner relies on Bunney alleging the motivation of modifying Burgan with Bunney's chat proxy server connected to a standard IRC server is to enable mobile users to fully participate in IRC chat sessions with world wide users (See Office Action dated June 20, 2005, page 5). However, the Examiner motivation is **nonsensical**. Bunney's chat proxy server is used to translate a non-compliant IRC address and rewriting an IRC command. "Teachings of references can be combined only if there is some suggestion or incentive to do so." In re Fine, 5 USPQ2d 1596,1600 (Fed. Cir. 1988) (quoting ACS Hosp. Sys. v. Montefiore Hosp., 221 USPQ 929, 933 (Fed. Cir. 1984)) (emphasis in original). Burgan lacks a device using a non-compliant IRC address and lacks a need to rewrite an IRC command. Thus, modifying Burgan that lacks a device using a non-compliant IRC address and lacks a need to rewrite an IRC command with Bunney's proxy server to translate a non-compliant IRC address and rewriting an IRC command is **nonsensical** since Bunney's proxy server would serve **no function** in connecting Burgan's wireless devices to a standard IRC server.

Moreover, contrary to the Examiner's assertion as discussed above, Bunney fails to disclose or suggest any applicability to unique problems

associated with mobile wireless devices, much less a mobile wireless device that uses a non-IRC program to communicate with a standard IRC server, as recited by claims 1-5, 11, 20-27, 39-45 and 49.

WebTV is relied on to disclose a chat proxy for permitting limited functionality client devices, i.e., WebTV devices, to participate fully in an IRC network by facilitating connection, translation and forwarding of commands from WebTV users to an IRC server (See Office Action dated June 20, 2005, page 5).

WetbTV fails to disclose or suggest any applicability to unique problems associated with mobile wireless devices, much less a mobile wireless device that uses a non-IRC program to communicate with a standard IRC server, as recited by claims 1-5, 11, 20-27, 39-45 and 49.

WebTV's proxy server is used to facilitate connection, translation and forwarding of commands from WebTV users to an IRC server. By the Examiner's own acknowledgement, WebTV **only** has application to servicing WebTV devices. Thus, modifying Burgan's system servicing mobile devices with WebTV's proxy server **only** servicing WebTV devices is **nonsensical** since providing **no functionality** to a wireless mobile device. WebTV fails to disclose or suggest application of any of disclosed features to anything other than a proxy server servicing WebTV devices.

The Examiner argues that WebTV is not relied to be bodily incorporated into the structure of the Burgan, but rather what WebTV allegedly suggests to those of ordinary skill in the art (See Office Action dated June 20, 2005, page 3). The Applicants respectfully disagree.

The Examiner acknowledges that WebTV teaches providing a proxy that translates commands from a limited computing device (WebTV) to IRC commands so as to enable a user of the device to fully participate in IRC as that of a computer user (See Office Action dated June 20, 2005, page 3). However, the Examiner has still fails to provide **where** WebTV suggests to those of ordinary skill in the art application to any system besides WebTV, much less to a wireless mobile device. As discussed above, the Examiner is using the Applicants' claims as a template to construct the Applicants' claims **without any**

suggestion within the cited prior art for modification of the primary reference, Burgan, to rely on a **non-Internet Relay Chat program** adapted to be executed by **a wireless mobile device** or for application of the secondary references, Bunney and WebTV to a wireless mobile device, much less a wireless mobile device relying on a non-Internet Relay Chat program to communicate with a standard IRC server, as recited by claims 1-5, 11, 20-27, 39-45 and 49.

The Examiner has failed to provide a **SINGLE** reference that discloses a **non-Internet Relay Chat program** adapted to be executed by **a wireless mobile device** used to communicate with a standard IRC server, as recited by claims 1-5, 11, 20-27, 39-45 and 49.

Therefore, modifying Burgan with the disclosure of Bunney and WebTV is not only **nonsensical** as discussed above, but fails to disclose or **suggest** a system and method of sending a first message from a **non-Internet Relay Chat program** adapted to be executed by **a wireless mobile device** to a mobile chat proxy server and forwarding a second message compatible with an standard IRC server to the standard IRC server, as recited by claims 1-5, 11, 20-27, 39-45 and 49.

All rejected claims 12, 31 and 50 require a system and method of ghosting a channel of an Internet Relay Chat group through a non-IRC program associated with a mobile device.

Burgan fails to mention ghosting, much less disclose or **suggest** using ghosting with a non-Internet Relay Chat program, i.e., a system and method of ghosting a channel of an Internet Relay Chat group through a non-IRC program associated with a mobile device, as recited by claims 12, 31 and 50.

Bunney fails to mention ghosting, much less disclose or **suggest** using ghosting with a non-Internet Relay Chat program, i.e., a system and method of ghosting a channel of an Internet Relay Chat group through a non-IRC program associated with a mobile device, as recited by claims 12, 31 and 50.

The Examiner argues that WebTV discloses a proxy that can handle MODE commands, with the system **inherently** having the capability to send a ghosting command (See Office Action dated June 20, 2005, page 4).

However, inherency is **not applicable** in a rejection under §103. In re Newell, 13 USPQ2d 1248, 1250 (Fed. Cir. 1989).

Moreover, under the doctrine of necessary inherency, anticipation may be established when a single prior art reference fails to disclose the claimed invention ipsissimis verbis, but the natural and invariable practice of the reference would necessarily inherently meet all the elements of the claim. See, e.g., Verdegaal Bros., Inc. v. Union Oil Col. of Cal., 814 F.2d 628, 2 USPQ2d 1051 (Fed. Cir. 1987); In re King, 801 F.2d 1324, 231 USPQ 136 (Fed. Cir. 1986); Tyler Refrigeration v. Kysor Indus. Corp., 777 F.2d 687, 227 USPQ 245 (Fed. Cir. 1985); Ethyl Molded Products Co. v. Betts Package Inc., No. 85-111 1032 (D.C.E.D. Kent. 1988). The doctrine of inherency is available only when the inherency can be established as a **certainty**; probabilities are not sufficient. In re Oelrich, 666 F.2d 578, 581, 212 USPQ 323, 326 (CCPA 1981); In re Chandler, 254 F.2d 396, 117 USPQ 361 (CCPA 1981); Ethyl Molded Prod. Co. at 1032. Just because a cited reference discloses a proxy that can handle MODE commands doesn't equate to a proxy that can handle **all** MODE commands. WebTV is directed to a system and method of allowing a WebTV device to participate with IRC. However, the Examiner has failed to establish as a **certainty** that WebTV can process a ghosting command since ghosting is not required to participate in an IRC session.

Moreover, even if WebTV disclosed ghosting (which as discussed above, WebTV fails to do), WebTV fails to disclose or suggest application of ghosting to a mobile device, much less disclose or suggest a system and method of ghosting a channel of an Internet Relay Chat group through a non-IRC program associated with a mobile device, as recited by claims 12, 31 and 50.

Thus, Burgan modified by the disclosure of Bunney and WebTV would fail to disclose or **suggest** using ghosting with a non-Internet Relay Chat program, i.e., a system and method of ghosting a channel of an Internet Relay Chat group through a non-IRC program associated with a mobile device, as recited by claims 12, 31 and 50.

It is respectfully submitted that not only does this rejection fail on its face, and thus is improper, but also in light of the above comments its clear that Burgan modified by the disclosure of Bunney and WebTV does not render obvious any of claims 1-5, 11, 12, 20-27, 31, 39-45, 49 and 50. Thus, the rejection of claims 1-5, 11, 12, 20-27, 31, 39-45, 49 and 50 under 35 U.S.C. §103(a) is improper and should be reversed.

(B) Claims 6, 7 and 9 are not obvious under 35 U.S.C. § 103(a) over Burgan in view of Bunney and WebTV, and further in view of U.S. Patent No. 6,314,108 to Ramasubramani

Claims 6, 7 and 9 are dependent on claim 1, and are allowable for at least the same reasons as claim 1.

All rejected claims 6, 7 and 9 require a system and method of sending a first message from a non-Internet Relay Chat program associated with a **wireless mobile device** to a **mobile** chat proxy server and forwarding a second message compatible with an standard **Internet** Relay Chat server to the standard Internet Relay Chat server.

As discussed above, Burgan in view of Bunney, and further in view of WebTV fails to disclose or suggest a system and method of sending a first message from a non-Internet Relay Chat program associated with a **wireless mobile device** to a **mobile** chat proxy server and forwarding a second message compatible with an standard **Internet** Relay Chat server to the standard Internet Relay Chat server, as recited by claims 6, 7 and 9.

The Examiner relies on Ramasubramani to allegedly make up for the deficiencies in Burgan in view of Bunney and WebTV to arrive at the claimed features. The Applicants respectfully disagree.

Ramasubramani discloses a proxy server that interconnects various wireless network carriers having different wireless network characteristics (See Abstract). However, Ramasubramani fails to disclose any of those wireless network carriers have IRC capability, much less rely on an IRC server. Ramasubramani fails to disclose or suggest a wireless Internet gateway server,

much less a **single reference** that discloses a **non-Internet Relay Chat program** adapted to be executed by **a wireless mobile device** used to communicate with a standard IRC server, as recited by claims 6, 7 and 9.

Thus, the Examiner has still failed to provide a **SINGLE** prior art reference that discloses or suggests a **non-Internet Relay Chat program** adapted to be executed by **a wireless mobile device** used to communicate with a standard IRC server, much less a system and method of sending a first message from a **non-Internet Relay Chat program** adapted to be executed by a **wireless mobile device** to a **mobile** chat proxy server and forwarding a second message compatible with an standard **Internet** Relay Chat server to the standard Internet Relay Chat server, as recited by claims 6, 7 and 9.

Thus, Burgan modified by the disclosure of Bunney, WebTV and Ramasubramani still fails to disclose or suggest a system and method of sending a first message from a **non-Internet Relay Chat program** adapted to be executed by a **wireless mobile device** to a **mobile** chat proxy server and forwarding a second message compatible with an standard **Internet** Relay Chat server to the standard Internet Relay Chat server, as recited by claims 6, 7 and 9.

It is respectfully submitted that not only does this rejection fail on its face, and thus is improper, but also in light of the above comments its clear that Burgan modified by the disclosure of Bunney, WebTV and Ramasubramani does not render obvious any of claims 6, 7 and 9. Thus, the rejection of claims 6, 7 and 9 under 35 U.S.C. § 103(a) is improper and should be reversed.

(C) Claims 8, 46 and 51-56 are not obvious under 35 U.S.C. § 103(a) over Burgan in view of Bunney, WebTV and Gudjonsson.

Claims 8, 46 and 51-56 are dependent on claims 1, 12, 20, 31, 39 and 50, and are allowable for at least the same reasons as claims 1, 12, 20, 31, 39 and 50.

All rejected claims 8, 46, 51, 53 and 55 require a system and method of sending a first message from a **non-Internet Relay Chat program** adapted to be executed by a **wireless mobile device** to a **mobile** chat proxy server and forwarding a second message compatible with an standard **Internet** Relay Chat server to the standard Internet Relay Chat server.

As discussed above, Burgan in view of Bunney, and further in view of WebTV fails to disclose or suggest a system and method of sending a first message from a **non-Internet Relay Chat program** adapted to be executed by a **wireless mobile device** to a **mobile** chat proxy server and forwarding a second message compatible with an standard **Internet** Relay Chat server to the standard Internet Relay Chat server, as recited by claims 8, 46, 51, 53 and 55.

The Examiner relies on Gudjonsson to allegedly make up for the deficiencies in Burgan in view of Bunney and WebTV to arrive at the claimed features. The Applicants respectfully disagree.

Gudjonsson is relied on to disclose usage of a short message service for a mobile user to chat with a PC user (See Office Action dated June 20, 2005, page 8). However, Gudjonsson, like Burgan, Bunney and WebTV, fails to disclose or suggest a **non-Internet Relay Chat program** adapted to be executed by **a wireless mobile device** used to communicate with a standard IRC server, much less a system and method of sending a first message from a **non-Internet Relay Chat program** adapted to be executed by a **wireless mobile device** to a **mobile** chat proxy server and forwarding a second message compatible with an standard **Internet** Relay Chat server to the standard Internet Relay Chat server, as recited by claims 8, 46, 51, 53 and 55.

Thus, the Examiner has still failed to provide a **SINGLE** prior art reference that discloses or suggests a **non-Internet Relay Chat program** adapted to be executed by **a wireless mobile device** used to communicate with a standard IRC server, much less a system and method of sending a first message from a **non-Internet Relay Chat program** adapted to be executed by a **wireless mobile device** to a **mobile** chat proxy server and forwarding a second

message compatible with an standard **Internet** Relay Chat server to the standard Internet Relay Chat server, as recited by claims 8, 46, 51, 53 and 55.

Thus, Burgan modified by the disclosure of Bunney, WebTV and Gudjonsson fails to disclose or suggest a system and method of sending a first message from a **non-Internet Relay Chat program** adapted to be executed by a **wireless mobile device** to a **mobile** chat proxy server and forwarding a second message compatible with an standard **Internet** Relay Chat server to the standard Internet Relay Chat server, as recited by claims 8, 46, 51, 53 and 55.

Moreover, The Examiner alleges that it is inherent that a system as allegedly modified would have short message service capability (See Office Action dated June 20, 2005, page 8). However, as discussed above inherency is **not applicable** in a rejection under §103. In re Newell, 13 USPQ2d 1248, 1250 (Fed. Cir. 1989).

Rejected claims 52, 54 and 56 require a system for ghosting a channel of an Internet Relay Chat group through a non-IRC program associated with a mobile device.

Claims 52, 54 and 56 are dependent on claims 12, 31 and 50, and are allowable for at least the same reasons as claims 12, 31 and 50.

As discussed above, Burgan modified by the disclosure of Bunney and WebTV would fail to disclose or **suggest** using ghosting with a non-Internet Relay Chat program, i.e., a system and method of ghosting a channel of an Internet Relay Chat group through a short messaging service associated with a mobile device, as recited by claims 52, 54 and 56.

WebTV is relied on by the Examiner in the rejection of claim 50 to disclose ghosting a channel of an Internet Relay Chat. Gudjonsson fails to even mention ghosting, much less disclose or suggest using ghosting with a non-Internet Relay Chat program, i.e., a system and method of ghosting a channel of an Internet Relay Chat group through a short messaging service associated with a mobile device, as recited by claims 52, 54 and 56.

Thus, Burgan modified by the disclosure of Bunney, WebTV and Gudjonsson fails to disclose or suggest using ghosting with a non-Internet Relay

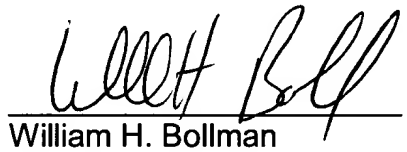
Chat program, i.e., a system and method of ghosting a channel of an Internet Relay Chat group through a short messaging service associated with a mobile device, as recited by claims 52, 54 and 56.

It is respectfully submitted that not only does this rejection fail on its face, and thus is improper, but also in light of the above comments its clear that Burgan modified by the disclosure of Bunney, WebTV and Gudjonsson does not render obvious any of claims 8, 46 and 51-56. Thus, the rejection of claims 8, 46 and 51-56 under 35 U.S.C. § 103(a) is improper and should be reversed.

CONCLUSION

For all the reasons set forth above, the rejections of claims 1-8, 11, 12, 20-27, 30,31, 39-46 and 49-56 are improper and should be reversed. The Applicants therefore respectfully request that this Appeal be granted and that the rejections of the claims be reversed.

Respectfully submitted,



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APPENDIX

CLAIMS INVOLVED IN THE APPEAL

1. A method of providing access to a channel of an Internet Relay Chat group to a wireless mobile device, comprising:

placing a mobile chat proxy server in a communication path between a standard Internet Relay Chat server and a wireless Internet gateway server;

receiving a first message from a non-Internet Relay Chat program adapted to be executed by said wireless mobile device at said mobile chat proxy server;

converting said first message to a second message compatible with said standard Internet Chat Relay server with said mobile chat proxy server; and

forwarding said second message to said standard IRC server from said mobile chat proxy server.

2. The method of providing access to a channel of an Internet Relay Chat group to a mobile wireless device according to claim 1, wherein:

said access includes participation in said channel by said wireless mobile device.

3. The method of providing access to a channel of an Internet Relay Chat group to a wireless mobile device according to claim 1, wherein:

said wireless mobile device comprises a mobile telephone.

4. The method of providing access to a channel of an Internet Relay Chat group to a wireless mobile device according to claim 3, wherein:

said mobile telephone is a mobile originated telephone with respect to said accessed channel of said Internet Relay Chat group.

5. The method of providing access to a channel of an Internet Relay Chat group to a wireless mobile device according to claim 1, wherein:

said mobile chat proxy server interprets Internet Relay Chat commands from said wireless mobile device.

6. The method of providing access to a channel of an Internet Relay Chat group to a wireless mobile device according to claim 1, wherein:

said mobile chat proxy server passes communications with said wireless mobile device through an SMPP interface in a direction toward said wireless mobile device.

7. The method of providing access to a channel of an Internet Relay Chat group to a wireless mobile device according to claim 1, wherein:

said mobile chat proxy server passes communications with said wireless mobile device through an Interworking Function (IWF) interface in a direction toward said wireless mobile device.

8. The method of providing access to a channel of an Internet Relay Chat group to a wireless mobile device according to claim 1, further comprising:

including a short message system controller between said mobile chat proxy server and said wireless mobile device.

9. (canceled)

10. (canceled)

11. The method of providing access to a channel of an Internet Relay Chat group to a wireless mobile device according to claim 1, further comprising:

summoning at least one other wireless mobile device to join said Internet Relay Chat group.

12. A method of providing access to a channel of an Internet Relay Chat group to a wireless mobile device, comprising:

placing a mobile chat proxy server in a communication path between a standard Internet Relay Chat server and a wireless Internet gateway server supporting said wireless mobile device; and

ghosting said channel of said Internet Relay Chat group through a non-Internet Relay Chat program adapted to be executed by said wireless mobile device.

13. (cancelled)

14. (cancelled)

15. (cancelled)

16. (cancelled)

17. (cancelled)

18. (cancelled)

19. (cancelled)

20. Apparatus for providing access to a channel of an Internet Relay Chat group to a wireless mobile device, comprising:

a mobile chat proxy server in a communication path between a standard Internet Relay Chat server and a wireless Internet gateway server;

wherein said mobile chat proxy server receives chat commands from said wireless mobile device adapted to execute a non-Internet Relay Chat program and forwards said chat commands in a form compatible with said standard Internet Relay Chat server to said standard Internet Relay Chat server.

21. The apparatus for providing access to a channel of an Internet Relay Chat group to a wireless mobile device according to claim 20, wherein:

said access includes participation in said channel by said wireless mobile device.

22. The apparatus for providing access to a channel of an Internet Relay Chat group to a wireless mobile device according to claim 20, wherein:

said wireless mobile device comprises a mobile telephone.

23. The apparatus for providing access to a channel of an Internet Relay Chat group to a wireless mobile device according to claim 22, wherein:

said mobile telephone is a mobile originated telephone with respect to said accessed channel of said Internet Relay Chat group.

24. The apparatus for providing access to a channel of an Internet Relay Chat group to a wireless mobile device according to claim 20, wherein:

said mobile chat proxy server interprets Internet Relay Chat commands from said wireless mobile device.

25. The apparatus for providing access to a channel of an Internet Relay Chat group to a wireless mobile device according to claim 20, wherein:

said mobile chat proxy server passes communications from said wireless mobile device through an SMPP interface.

26. The apparatus for providing access to a channel of an Internet Relay Chat group to a wireless mobile device according to claim 20, wherein:

said mobile chat proxy server passes communications from said wireless mobile device through an Interworking Function (IWF) interface in a direction toward said wireless mobile device.

27. The apparatus for providing access to a channel of an Internet Relay Chat group to a wireless mobile device according to claim 20, further comprising:

a short message system controller between said mobile chat proxy server and said wireless mobile device.

28. (canceled)

29. (canceled)

30. The apparatus for providing access to a channel of an Internet Relay Chat group to a wireless mobile device according to claim 20, further comprising:

means for summoning at least one other wireless mobile device to join said Internet Relay Chat group.

31. Apparatus for providing access to a channel of an Internet Relay Chat group to a wireless mobile device, comprising:

a mobile chat proxy server in a communication path between a standard Internet Relay Chat server and a wireless Internet gateway server supporting said wireless mobile device;

means for ghosting said channel of said Internet Relay Chat group through a non-Internet Relay Chat program adapted to be executed by said wireless mobile device.

32. (cancelled)

33. (cancelled)

34. (cancelled)

35. (cancelled)

36. (cancelled)

37. (cancelled)

38. (cancelled)

39. An apparatus for providing access to a channel of an Internet Relay Chat group to a wireless mobile device, comprising:

means for placing a mobile chat proxy server in a direct communication path between a standard Internet Relay Chat server and a wireless Internet gateway server;

means for sending a first message from a non-Internet Relay Chat program adapted to be executed by said wireless mobile device said mobile chat proxy server;

means for converting said first message to a second message compatible with said standard Internet Chat Relay server with said mobile chat proxy server; and

means for forwarding said second message to said standard IRC server.

40. The apparatus of providing access to a channel of an Internet Relay Chat group to a wireless mobile device according to claim 39, wherein:

said access includes participation in said channel by said wireless mobile device.

41. The apparatus of providing access to a channel of an Internet Relay Chat group to a wireless mobile device according to claim 39, wherein:

said wireless mobile device comprises a mobile telephone.

42. The apparatus of providing access to a channel of an Internet Relay Chat group to a wireless mobile device according to claim 41, wherein:

said mobile telephone is a mobile originated telephone with respect to said accessed channel of said Internet Relay Chat group.

43. The apparatus of providing access to a channel of an Internet Relay Chat group to a wireless mobile device according to claim 39, wherein:

said mobile chat proxy server interprets Internet Relay Chat commands from said wireless mobile device.

44. The apparatus of providing access to a channel of an Internet Relay Chat group to a wireless mobile device according to claim 39, wherein:

said mobile chat proxy server passes communications from said wireless mobile device through an SMPP interface in a direction toward said wireless mobile device.

45. The apparatus of providing access to a channel of an Internet Relay Chat group to a wireless mobile device according to claim 39, wherein:

said mobile chat proxy server passes communications from said wireless mobile device through an Interworking Function (IWF) interface in a direction toward said wireless mobile device.

46. The apparatus of providing access to a channel of an Internet Relay Chat group to a wireless mobile device according to claim 1, further comprising:

including a short message system controller between said mobile chat proxy server and said wireless mobile device.

47. (canceled)

48. (canceled)

49. The apparatus of providing access to a channel of an Internet Relay Chat group to a wireless mobile device according to claim 39, further comprising:

summoning at least one other wireless mobile device to join said Internet Relay Chat group.

50. An apparatus of providing access to a channel of an Internet Relay Chat group to a wireless mobile device, comprising:

means for placing a mobile chat proxy server in a direct communication path between a standard Internet Relay Chat server and a wireless Internet gateway server;

means for facilitating chat communications between said wireless mobile device and said standard Internet Relay Chat server through said mobile chat proxy server; and

means for ghosting said channel of said Internet Relay Chat group through a non-Internet Relay Chat program adapted to be executed by said wireless mobile device.

51. The method of providing access to a channel of an Internet Relay Chat group to a wireless mobile device according to claim 1, wherein:

said receiving said first message from said non-Internet Relay Chat program receives said first message from a short messaging service program.

52. The method of providing access to a channel of an Internet Relay Chat group to a wireless mobile device according to claim 12, wherein:

said ghosting said channel of said Internet Relay Chat group through said non-Internet Relay Chat program performs ghosting through a short messaging service program.

53. The apparatus for providing access to a channel of an Internet Relay Chat group to a wireless mobile device according to claim 20, wherein:

said non-Internet Relay Chat program is a short messaging service program.

54. The apparatus for providing access to a channel of an Internet Relay Chat group to a wireless mobile device according to claim 31, wherein:

said non-Internet Relay Chat program is a short messaging service program.

55. The apparatus of providing access to a channel of an Internet Relay Chat group to a wireless mobile device according to claim 39, wherein:

said non-Internet Relay Chat program is a short messaging service program.

56. The apparatus of providing access to a channel of an Internet Relay Chat group to a wireless mobile device according to claim 50, wherein:

said non-Internet Relay Chat program is a short messaging service program.

EVIDENCE APPENDIX

None

RELATED PROCEEDINGS APPENDIX

None